

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DELPHINE ALLEN, et al.,

Plaintiffs,

V.

CITY OF OAKLAND, et al.,

Defendants.

MASTER CASE FILE
NO. C00-4599 TEH

ORDER SETTING STATUS CONFERENCE

At the September 22, 2011 status conference, the Court instructed the parties to meet and confer with the Monitor on a date in early 2012 for the next status conference. The parties and Monitor have proposed January 26, 2012, which is available on the Court's calendar. Accordingly, the next status conference is set for **January 26, 2012, at 10:30 AM**, in Courtroom No. 2. The parties shall meet and confer and file a joint status conference statement on or before **January 19, 2012**.

17 If Plaintiffs remain dissatisfied with the level of progress made by Defendants in
18 implementing the reforms in the consent decree, then they shall be prepared to discuss at the
19 status conference their proposal for further proceedings, which might include, as appropriate,
20 motions for contempt or a motion to appoint a receiver. In addition, the Court may
21 separately choose to initiate such proceedings via an order to show cause if it believes there
22 is an adequate basis for doing so. While the Court recognizes that the appointment of a
23 receiver would be a drastic measure, and it understands that a new City Administrator has
24 only recently been hired and has expressed her commitment to prioritizing police reforms,
25 receivership nonetheless remains a potential remedy that may be needed to finally achieve
26 the reforms in a reasonable period. In actuality, of course, far more than a reasonable amount
27 of time has already elapsed since Defendants agreed to the reforms in early 2003. This Court
28 has repeatedly given Defendants the benefit of the doubt, but it is increasingly less willing to

1 do so as we approach year nine of what was intended to be no more than a five-year process.
2 Defendants have unquestionably made progress; however, the stagnation in the number of
3 tasks in compliance – and, indeed, backsliding on some tasks – is troubling, as are recent
4 examples of either resistance to the reforms or failure to comprehend their overall purpose of
5 promoting public safety. Although the Court hopes that Defendants are able to turn this tide
6 in the next several months without further judicial intervention, it remains prepared to take
7 appropriate further corrective action if necessary.

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9 **IT IS SO ORDERED.**

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11 Dated: 10/03/11

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THELTON E. HENDERSON, JUDGE
UNITED STATES DISTRICT COURT